



**ALEX PADILLA** | SECRETARY OF STATE | STATE OF CALIFORNIA  
BUSINESS PROGRAMS | SPECIAL FILINGS  
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<Date>

<NAME>

<BUSINESS NAME>

<ADDRESS>

<CITY, STATE, ZIP>

Dear <Name>,

Our records indicate that you are registered with the Secretary of State's office as an immigration consultant.

As a registered immigration consultant, you may be providing services to persons requesting assistance with their immigration matters. We have enclosed materials that address commonly asked questions and provide important reminders that describe your responsibilities as an immigration consultant.

Please note, that the information provided outlines only *some* of your responsibilities. You are responsible for ensuring compliance with *all* legal requirements as specified in Business and Professions Code sections 22440–22449, as well as any other federal and California laws.

If you have any questions or need additional information, please contact us at (916) 653-3984 or email at [specialfilings@sos.ca.gov](mailto:specialfilings@sos.ca.gov).

Sincerely,

Special Filings Section  
Business Programs Division  
Secretary of State

Enclosure

**Can an immigration consultant provide legal representation for a client's immigration matter?**

No. Only licensed lawyers can provide legal advice. Also, only a licensed lawyer or a person approved by Bureau of Immigration Appeals' (BIA) Recognition and Accreditation Program can represent a person on immigration matters.

**What type of services can an immigration consultant provide?**

An immigration consultant can provide *only nonlegal* services on immigration matters, such as:

- Translating a client's answers to questions on state or federal forms;
- Translating the information on state or federal forms for a client;
- Obtaining copies of supporting documents needed for those forms;
- Submitting completed forms to the United States Citizenship and Immigration Services (USCIS) office, if requested by the client;
- Referring a client to appropriate legal representation.

**Can an immigration consultant recommend which form to use or suggest how a client should answer a question on a form?**

No. State law prohibits an immigration consultant from recommending which form to use. Suggesting how to answer a question is also considered prohibited legal advice.

**Are there requirements for immigration consultant services contracts?**

Yes. A contract for immigration consultant services must be written in both English *and* the client's language. Oral contracts are not permitted. The California Department of Consumer Affairs has issued regulations outlining requirements for immigration consultant contracts. (See Cal. Code Regs., Tit. 16 , Div. 38, Ch. 3, § 3840). Contracts must include the following:

- A statement that the immigration consultant is *not* an attorney and cannot perform legal services performed by attorneys.
- A description of the services and purpose of the services to be performed as well as itemized costs for each service.
- A list of the documents to be prepared, an explanation of the purpose and process for each document, and a list of the costs for preparing each document.
- A description of what the immigration consultant will do with respect to each document, and listing which agency and office where each document will be filed and the approximate processing times according to the current published agency guidelines.
- Information about how to report complaints related to immigration consultant services, including the toll-free numbers and website addresses for Executive Office for Immigration Review of the United States Department of Justice and California State Bar.
- A provision that the client can cancel the contract within 72 hours.

Remember, an immigration consultant must provide a signed receipt on his/her letterhead to a client for each payment made by that client.

### **What can't be included in an immigration consultant services contract?**

A contract for immigration consultant services must not:

- Make any guarantees or promises, unless the guarantee or promise is in writing and the immigration consultant has some basis in fact for making the guarantee or promise.
- Claim that the immigration consultant can or will obtain special favors from or have special influence with the USCIS or any other governmental agency, employee, or official relating to the client's immigration matter.

### **What notices must be displayed by immigration consultants?**

Several notices must be posted in English and the language of the immigration consultant's clientele, including:

- A statement that the immigration consultant is not an attorney. Immigration consultants cannot mislead clients into believing that they are an attorney.
- The full name, address, and information regarding compliance with the applicable bonding requirement including the bond number.
- The names of each immigration consultant employed at each location.
- A notice of the fees for each service.

### **What other information does an immigration consultant have to share with a client?**

Before providing services:

An immigration consultant must provide the client with a *written* disclosure of the following information in the native language of the client:

- The immigration consultant's name, address, and telephone number.
- The immigration consultant's agent for service of process.
- The legal name of the employee who consulted with the client, if different from the immigration consultant.
- Evidence of compliance with the applicable bonding requirement, including the bond number.

After providing services:

- An immigration consultant must provide a copy of each document completed on behalf of the client and must include the name and address of the immigration consultant.
- Note that documents must be retained for at least three years after the date of the last service to the client and must be provided to law enforcement agencies without a warrant or subpoena.
- An immigration consultant must promptly return all original documents provided to the immigration consultant in support of the client's application.

**Conduct to Avoid:**

- Never make representations to your clients that indicate you have special influence with USCIS or another government agency.
- Never take a client's money without delivering any services.
- Never charge money to refer a client to a lawyer, unless you are certified by the California State Bar as a referral service.
- Never require a customer to pay money to get their original documents back.
- Never attempt to get additional money from your clients, such as “back taxes” or other fees not required by the government or your contract with the client.
- Never prepare, file or charge a client for preparing a frivolous application, such as an application for political asylum if the client does not qualify.

**Penalties:**

Please note that violations of state law may subject an immigration consultant to significant civil and criminal penalties, including fines and imprisonment, and attorneys' fees.

**Additional Resources:**

The information provided in the attached guidance outlines only *some* of your responsibilities. You are responsible for ensuring compliance with *all* legal requirements as specified in Business and Professions Code sections 22440–22449, as well as any other federal and California laws.

Please visit the California Secretary of State's website for additional information and resources.

<http://www.sos.ca.gov/business-programs/special-filings/>